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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTONNE M. JONES	:
	:
Plaintiff,	:
	:
-against	:
	:
ROC-A-FELLA FILMS, INC., LIONS GATE	:
FILMS, INC., and DAMON DASH	:
	:
	:
Defendants.	:
-----X	

**DEFENDANT LIONS GATE FILMS, INC.'S LOCAL RULE 56.1
STATEMENT OF UNDISPUTED MATERIAL FACTS IN
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, defendant Lions Gate Films, Inc. ("Lions Gate") respectfully submits this statement of the material facts as to which Lions Gate contends there is no genuine issue to be tried in support of its motion for summary judgment dismissing the Complaint of plaintiff Antonne M. Jones ("Plaintiff").

Plaintiff and "The Family"

1. Plaintiff was raised in Philadelphia, Pennsylvania. (Exhibit C to the Declaration of Tom J. Ferber dated April 15, 2008 ("Ferber"), Jones Tr. at 9-10).

2. Plaintiff graduated high school from Delaware Valley High School located in Philadelphia, Pennsylvania in or around 1991. (Ferber Exh. C, Jones Tr. at 9-10).

3. Plaintiff is the author of a book entitled “The Family: A Philadelphia Mob Story” (“The Family”). (Ferber Exh. C at ¶ 13).

4. Plaintiff has asserted he is the owner of Copyright Registration TXu 843-826, which was issued on July 2, 1998, for the copyright in and to “The Family.” (Ferber Exh. A at ¶ 14).

5. Plaintiff alleges similarities between “The Family” and *State Property*. Both of these works are before the Court. (Ferber Exh. A at ¶¶ 47-86, Exh. P at 9-18, Exh. I, Exh. G).

6. Plaintiff has not alleged any similarities between “The Family” and *State Property II*. (Ferber Exh. A at ¶¶ 34, 47-66, Exh. P at 9-18; Jones Tr. at 271-273).

7. Plaintiff bases his Lanham Act claims on the same facts as alleged in support of his copyright claim. (Ferber Exh. A at ¶¶ 93-98; Exh. P at 22-23).

8. Plaintiff maintained a website called the “The Lex Street Massacre” at the URL www.thelexstreetproject.com. (Ferber Exh. T).

9. On this website, Plaintiff included a January 21, 1999 article from the South Philadelphia Review by Bill Gelman. This article reviews Plaintiff’s work “The Family.” (Ferber Exh. T).

10. The review states that Plaintiff described his work “The Family” “as *New Jack City* told in a *Goodfellas* narrative.” (Ferber Exh. T).

11. *New Jack City* is a 1991 film from the drug gang genre depicting Nino Brown’s rise to power as a crack cocaine dealer in Harlem, New York in the mid 1980s. (Ferber Exh. W, Exh. V).

12. *Goodfellas* is a 1990 film from the gang genre told through the retrospective narration of former Mafia member Henry Hill that depicts many of the violent acts committed by Hill as part of his rise to power. (Ferber Exh. V).

State Property and The Junior Black Mafia

13. *State Property* was based on a screenplay by Ernest Tron Anderson (“Anderson”) entitled “*Get Down or Lay Down; Junior Black Mob.*” (Ferber Exh. D, Anderson Tr. at 44-45.).

14. The Junior Black Mafia or “JBM” was a real gang which controlled the drug trade in and around Philadelphia in the mid 1980’s through the mid 1990s. (Ferber Exh. N).

15. Much of “*Get Down or Lay Down; Junior Black Mob*” was based on the real life activities of the Junior Black Mafia. (Ferber Exh. D, Anderson Tr. at 52-53).

16. Anderson was familiar with the JBM through his own experiences dealing drugs in Philadelphia, extensive media coverage of the gang, and his personal contact with members of the JBM. (Ferber Exh. D, Anderson Tr. at 52-53).

17. Many of the characters in *State Property* are based on actual members of the Junior Black Mafia. (Ferber Exh. D, Anderson Tr. at 52-53).

18. The Junior Black Mafia was publicly reported to have used the motto “Get down or lay down.” (Ferber Exh. N).

19. The Junior Black Mafia was publicly reported to have obtained their drugs directly from Colombians. (Ferber Exh. M).

20. The Junior Black Mafia was publicly reported to have frequently employed violence to eliminate rival gangs. (Ferber Exh. M).

21. The Junior Black Mafia was publicly reported to have employed violence to eliminate disloyal gang members. (Ferber Exh. M).

22. The Junior Black Mafia was publicly reported to have adorned themselves with fancy clothes and jewelry including diamond encrusted rings bearing the initials “JBM.” (Ferber Exh. M, Exh. O, Exh. X).

23. The Junior Black Mafia was known to be set up like the military with different members having different responsibilities. (Ferber Exh. D, Anderson Tr. at 79-80).

24. The Junior Black Mafia was publicly reported to have used various legitimate businesses, including auto detailing shops, as fronts for their illegal activity. (Ferber Exh. M).

25. Anderson first came up with the idea to write a screenplay based on the Junior Black Mafia after seeing the 1993 motion picture *Menace II Society*, a film about a young drug dealer’s rise to power in the South Central neighborhood of Los Angeles. (Ferber Exh. D, Anderson Tr. at 62-63).

26. Anderson subsequently drafted the screenplay for *State Property*, entitled *Get Down or Lay Down: Junior Black Mob*. (Ferber Exh. D, Anderson Tr. at 44).

27. The motion picture entitled *State Property* was released January 18, 2002. (Ferber Exh. A at ¶ 34).

Miscellaneous

28. Jacob Arabo p/k/a “Jacob the Jeweler” plays the role of Eli, a Jewish jeweler in *State Property*. (Ferber Exh. R).

29. Jacob the Jeweler is a real jeweler who has made much of his living and earned a certain amount of fame selling expensive pieces of diamond encrusted jewelry to hip hop stars. (Ferber Exh. R).

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